

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2008-275-C

IN RE:

Application of Nexus Communications,)	
Incorporated for Certificate as an Eligible)	STIPULATION
Telecommunications Carrier)	

This Stipulation is made by and between the South Carolina Office of Regulatory Staff ("ORS") and Nexus Communications, Inc., ("Nexus"), collectively referred to herein as the "Parties" or individually as a "Party."

This docket has been established by the South Carolina Public Service Commission (the "Commission"), on application of Nexus for designation as an Eligible Telecommunications Carrier ("ETC") in BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina's service area. Other than ORS and Nexus, there are no other parties of record to this proceeding.

ORS and Nexus agree to stipulate to the following:

- 1) On July 16, 2008 Nexus filed an application seeking ETC status to provide Lifeline and Link-Up services. Nexus is not seeking high cost support funding.
- 2) On July 24, 2008, the Commission issued a Notice of Filing and Hearing and established deadlines for intervention and the submission of prefiled testimony.
- 3) Nexus timely filed proof of publication as required by the Commission on August 20, 2008.
- 4) In support of its application, Nexus filed the direct pre-filed testimony of Mr. Steven Fenker on September 25, 2008.
- 5) ORS filed the direct testimony of Mr. James M. McDaniel on October 9, 2008, identifying those provisions of Commission Regulation 103.690 that had not been addressed by the

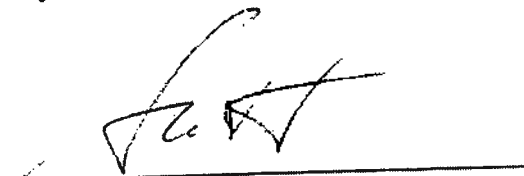
application or testimony of Nexus. Specifically, Nexus' application for ETC designation did not contain the following information which is required by 26 S.C. Code Regs. 103-690 C (a) (1):

- a) Commitment to provide service on a timely basis to requesting customers within the applicant's service area (103-690 C (a) (1) (A)(1));
 - b) A two-year plan describing the carrier's plans for advertising and outreach programs for identifying, qualifying and enrolling eligible participants in the Lifeline and Link Up program (103-690 C (a) (1) (C));
 - c) Demonstration that it will satisfy applicable consumer protection and service quality standards (103-690 C (a) (1) (C) (3));
 - d) Demonstration that its local usage plan compares to the local usage plan offered by the incumbent Local Exchange Carrier ("LEC") (103-690 C (a) (1) (C) (4));
 - e) Affidavit which acknowledges the FCC may require the carrier to provide equal access to long distance carriers (103-690 C (a) (1) (C) (5));
 - f) Affidavit that it does offer or will offer the services that are supported by the universal service support mechanisms by using its own facilities or a combination of its own facilities and resale of another carrier's services (103-690 C (a) (1) (C) (6)); and
 - g) Affidavit certifying that it does or will advertise in a media of general distribution the availability of supported services, including lifeline services and the applicable charges (103-690 C (a) (1) (C) (7)).
- 6) Since the date of the filing of testimony, Nexus has provided information to ORS in support of its application that complies with items (a) through (g) of Paragraph 5 above. Additionally, Nexus filed a replacement Lifeline and Link-Up Advertising and Outreach Plan with the Commission on October 24, 2008.

- 7) Nexus commits to offer Lifeline and Link-Up service in the designated service area to all qualifying low-income customers in accordance with the Commission's Regulation 103.690.
- 8) Nexus commits to file all required reporting including but not limited to company specific quarterly service quality reports.
- 9) Nexus commits to having its tariff electronically available on the Commission's website as well as the company's website.
- 10) Nexus commits that its calling area is the same as the incumbent local exchange carrier's calling area and its service provides unlimited local calling within this calling area.
- 11) Nexus commits to flow through to eligible Lifeline and Link-up customers all low income support received by the company.
- 12) Nexus agrees to comply with any recertification requirements which the Commission may legally impose on eligible telecommunications carrier solely receiving low income support.
- 13) Nexus agrees to file a request with the Commission in the event Nexus intends to seek any federal high cost support in the future.
- 14) The Parties agree to present this Stipulation to the Commission and agree to use reasonable efforts in recommending approval of the application.
- 15) This Stipulation shall be effective upon execution by the Parties and shall be interpreted according to South Carolina law.
- 16) The terms and conditions of this Stipulation fully represent the agreement of the Parties.
- 17) The Parties further agree that by signing this Stipulation, it will not constrain, inhibit, or impair any arguments or positions in future proceedings.
- 18) Each Party acknowledges its consent and agreement to this Stipulation by authorizing its respective counsel to affix his or her signature to this document where indicated below. Counsel's signature represents his or her representation that his or her client has authorized execution of this Stipulation. Facsimile or electronic signatures shall be as effective as original

signatures and shall likewise bind any Party. This document may be signed in counterparts, with the various signature pages combined with the body of the document constituting an original and provable copy of this Stipulation.

Representing Nexus Communications, Inc.

A handwritten signature in black ink, appearing to read 'Scott Elliott', is written over a horizontal line.

Scott Elliott, Esquire
Elliott & Elliott, P.A.
721 Olive Street
Columbia, SC 29205
803-771-0555
803-771-8010

Representing and binding the Office of Regulatory Staff

By: 

C. Lessie Hammonds
Nanette S. Edwards
1401 Main Street, 8th Floor
Columbia, SC 29201
(803) 737- 0800